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February 22, 2019 *via ECF*

Hon. Alvin K. Hellerstein, United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Matter: *Delta Pilots Asc. v. Melvin*, Civil Action No.: 1:14-cv-00225-AKH

Ref. Status Conference Held This Date On 22 February 22, 2019

Your Honor:

In follow-up to today's Status Conference in the above-cited matter, and at the Court's invitation to my colleague Lee Seham, this letter will confirm that Plaintiff hereby withdraws Count II of its Second Amended Complaint. By this action Plaintiff's pending summary judgment motion (Dkt. 113) on Counts I and III is now directed at the only remaining Counts.

In addition, I write to inform the Court that Plaintiff has now secured permission from SquareSpace to file Exhibit 10 to a declaration in support of Plaintiff's pending summary judgment motion that was the subject of Plaintiff's subsequent motion to file the same exhibit under seal (Dkt. 120; denied at Dkt. 124). That filing will be promptly made before Defendant's response brief to Plaintiff's motion for summary judgment is due. Thank you.

Sincerely,

Nicholas Granath, Esq.

cc:
Lee Seham, Esq.
Ms. Dana E. Lossia, Esq.